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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/657,655

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Kiminori Sugauchi

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10/06/2003

MATTINGLY, STANGER & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

CALDWELL, ANDREW T

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 10/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/657,655

Applicant(s)

SUGAUCHI ET AL.

Examiner

Andrew Caldwell

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 5 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Remarks

Claims 1-10 are pending.

Claim Objections

Claims 4 and 8-10 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter of the invention. Regarding claim 4, the statement at line 3 that the other network devices "has" is grammatically incorrect. The word comprise would be more appropriate. Claims 8 and 10 are method claims that depend on apparatus claim 1 as opposed to method claim 6. For purposes of prior art rejections in this Office action, the claims will be construed as depending on method claim 6. Claim 9 is objected to because it depends on claim 8.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-4 and 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 3, lines 3-6 don't make sense. Method claim 8 contains the same problem in lines 4-7. Claims 4 and 9 are rejected because they depend on claims 3 and 8, respectively.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al., U.S. Patent No. 6,301,624.

Regarding claim 1, Lee anticipates the claimed invention by disclosing a system comprising:

A network device (Fig. 1 elem. 106 CMIP device);

A managing apparatus for managing the network device (Fig. 1 elem. 114 MPA);

Wherein the managing apparatus has a means for determining an event issuing control condition for the network device according to an event processing capability of the managing apparatus (col. 5 line 60 to col. 6 line 60; MPA determines if event count for the device has been exceeded, if so, it sends message aborting the device's association with the MPA), and a means for

1 notifying the event issuing control condition to the network device (Fig. 1 elem.
2 108 CMIP stack);

3 Wherein the network device has a means for performing an event issuing
4 control condition according to the event issuing control condition notified from the
5 managing apparatus (col. 5 line 60 to col. 6 line 60; device stops sending
6 messages to MPA after being disassociated, where the association between the
7 device and the MPA is the event issuing control condition).

8 Regarding claim 6, it is a method claim corresponding to apparatus claim 1.

9 Since it does not teach or define above the information in the corresponding apparatus
10 claim, it is rejected under the same basis.

11
12 Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by
13 Meandzija et al., U.S. Patent No. 6,404,743.

14
15 Regarding claim 1, Meandzija anticipates the claimed invention by disclosing a
16 system comprising:

17 A network device (Fig. 2 elem. 230);

18 A managing apparatus for managing the network device (Fig. 2 elem.
19 210);

20 Wherein the managing apparatus has a means for determining an event
21 issuing control condition for the network device according to an event processing
22 capability of the managing apparatus (Fig. 2 elem. 224; col. 10 lines 59-65), and

1 a means for notifying the event issuing control condition to the network device
2 (Fig. 2 SNMP manager);

3 Wherein the network device has a means for performing an event issuing
4 control condition according to the event issuing control condition notified from the
5 managing apparatus (Fig. 2 elem. 244; col. 10 lines 59-65).

6 Regarding claim 6, it is a method claim corresponding to apparatus claim 1.

7 Since it does not teach or define above the information in the corresponding apparatus
8 claim, it is rejected under the same basis.

9
10 ***Claim Rejections - 35 USC § 103***

11 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
12 obviousness rejections set forth in this Office action:

13 (a) A patent may not be obtained though the invention is not identically disclosed or described as set
14 forth in section 102 of this title, if the differences between the subject matter sought to be patented and
15 the prior art are such that the subject matter as a whole would have been obvious at the time the
16 invention was made to a person having ordinary skill in the art to which said subject matter pertains.
17 Patentability shall not be negated by the manner in which the invention was made.

18
19 This application currently names joint inventors. In considering patentability of
20 the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of
21 the various claims was commonly owned at the time any inventions covered therein
22 were made absent any evidence to the contrary. Applicant is advised of the obligation
23 under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was
24 not commonly owned at the time a later invention was made in order for the examiner to
25 consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)
26 prior art under 35 U.S.C. 103(a).

1

2 Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over
3 Michihisa, Japanese Patent Application 09147956, in view of CCITT Recommendation
4 X.734, Information Technology – Open Systems Interconnection – Systems
5 Management: Event Report Management Function, pp. 1-17, 1993, and Novik et al.,
6 U.S. Patent No. 6,314,533.

7

8 Regarding claim 1, Michihisa teaches the invention substantially as claimed by
9 disclosing a system comprising:

10 A network device (Fig. 1 elem. 10);

11 A managing apparatus for managing the network device (Fig. 1 elem. 1);

12 Wherein the managing apparatus has a means for determining an event
13 issuing control condition for the network device according to an event processing
14 capability of the managing apparatus (Fig. 1 elem. 2, 4, 9 and abstract).

15 Michihisa does not teach a system wherein the managing apparatus further
16 comprises a means for notifying the event issuing control condition to the network
17 device and wherein the network device has a means for performing an event issuing
18 control condition according to the event issuing control condition notified from the
19 managing apparatus.

20 Recommendation X.734 on the other hand teaches a manageable local event
21 forwarding discriminator for use on a managed network device (p. 5 § 7.2 and 7.2.1;
22 Figure 1). Recommendation X.734's event reporting management function that allows

1 the open system/managing apparatus to establish and control event forwarding
2 corresponds to a means for notifying the event issuing control condition to the network
3 device. Recommendation X.734's event forwarding discriminator corresponds to a
4 network device having a means for performing an event issuing control according to the
5 event issuing control condition notified from the managing apparatus.

6 It would have been obvious to one of ordinary skill in the art at
7 the time the invention was made to modify the system of Michihisa to filter events at the
8 managed network device as opposed to the managing device based on
9 Recommendation X.734's teaching regarding the filtering of events at the managed
10 network device. This modification would have been obvious because of Novik's
11 teaching that performing filtering closer to the event source helps reduce the volume of
12 network data traffic (col. 4 lines 15-18).

13 Regarding claim 6, it is a method claim corresponding to apparatus claim 1.
14 Since it does not teach or define above the information in the corresponding apparatus
15 claim, it is rejected under the same basis.

16
17 Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over
18 the combination of Michihisa in view of Recommendation X.734 and Novik as applied to
19 claims 1 and 6 above, and further in view of Lewis et al., U.S. Patent No. 6,131,112.

20
21 Regarding claim 2, the combination of Michihisa in view of Recommendation
22 X.734 and Novik teaches the invention substantially as claimed. See the rejection of

claim 1 above. The combination does not teach the additional limitations of claim 2. Lewis on the other hand teaches a system wherein the managing apparatus has a means for setting an event priority level in the event issuing control condition to be notified to the network device, the event priority level being issued by the network device according to a management request (col. 10 lines 23-36). Lewis also teaches a system wherein the means of the network device for performing the event issuing control has a means for issuing events according to the set priority level (col. 10 lines 23-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lewis's prioritization of events with the system of the combination of Michihisa in view of Recommendation X.734 and Novik because prioritization ensures that important events are sent before less important events, thus providing the managing apparatus with more pertinent information.

Regarding claim 7, it is a method claim corresponding to apparatus claim 2. Since it does not teach or define above the information in the corresponding apparatus claim, it is rejected under the same basis.

Allowable Subject Matter

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 10 would be allowable if it were rewritten in independent form including all of the limitations of method claim 6.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sundaram et al., U.S. Patent No. 6,564,341, describes a possible solution to the problem of notification storms. Sundaram describes how network elements inhibit alarms in circumstances where it is possible that the network management system will be overloaded (col. 10 lines 40-49). However, nothing in Sundaram suggests that these circumstances are somehow programmable based on the processing load of the network management system.

A shortened statutory period for response to this action is set to expire **three months** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Caldwell, whose telephone number is (703) 306-3036. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Ario Etienne, can be reached at (703) 308-7562. Additionally, the fax numbers for Group 2100 are as follows:

Fax Responses: (703) 872-9306

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-9600.



Andrew Caldwell
703-306-3036
September 20, 2003